

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495

ATTN: Rebecca McAndrew, Project Manager

Public Notice Date: June 7, 2006 Expiration Date: July 6, 2006

Reference: 200600097

Name: I-405 Renton Nickel Improvement

Washington State Dept. of

Transportation

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT: Washington State Department of Transportation

I-405 Project Office

600 108th Avenue Northeast, Suite 405

Bellevue, WA 98004 Mr. Terry Drochak

Telephone: (425) 456-8595

E-mail: terry.drochak@i405.wsdot.wa.gov

<u>LOCATION</u>: In wetlands, jurisdictional ditches, Springbrook Creek, and West Fork Panther Creek, which are tributary to the Green River in Renton and Tukwila, King County, Washington.

<u>WORK</u>: The proposed project would widen 3.7 miles of Interstate 405 (I-405) between I-5, and State Route (SR) 169, and widen 1.6 miles of SR 167 between I-405, and Southwest 41st Street. On I-405 a general purpose lane and a merging lane would be added northbound and southbound. On SR 167 a high occupancy vehicle lane and a merging lane would be added southbound. The proposed project would involve relocating underground utilities and installing stormwater structures and facilities. If issued, this permit would be valid for 5 years.

The work would fill all or part of seven wetlands and portions of two streams within the project corridor. Work under Section 404 of the Clean Water Act jurisdiction includes the following:

- Fill 1.57 acres of aquatic bed, emergent, and shrub wetland.
- Fill 0.08 acre of Springbrook Creek and West Fork Panther Creek.
- Fill 0.05 acre of jurisdictional roadside ditch segments.

The wetland impacts consist of 1.43 acres of Category III shrub, 0.13 acre Category IV emergent, and less than 0.01 acre of Category IV shrub and Category III aquatic bed. An additional 0.57 acre of temporary wetland impacts would occur for construction access. Two new parallel bridges would be constructed on I-405 over Springbrook Creek, filling 0.02 acre within the channel. The new bridges would replace a five-celled box culvert and result in shading impacts affecting 0.27 acre. On SR 167, the road widening and

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stormwater treatment (Ecology embankment) would fill 0.06 acre of West Fork Panther Creek. Permanent wetland buffer impacts total 3.62 acres, while temporary wetland buffer impacts would be 0.22 acre. The project would permanently impact 1.51 acres of stream buffer and temporarily impact 0.88 acre of stream buffer.

This project is a "design-build" project and many details have not yet been finalized. However, it will be required that all temporary staging or access roads avoid wetland or stream impacts. These details will be developed and analyzed prior to a permit decision. We anticipate that this design work may result in a slight decrease in total impacts.

<u>PURPOSE</u>: The purpose of the project is to reduce traffic congestion, improve roadway safety, increase travel speeds during peak commuter travel hours, create smoother traffic transitions, and improve freight mobility.

<u>ADDITIONAL INFORMATION</u>: Copies of this public notice, which have been physically or electronically distributed, feature project drawings in black and white. A version exists on the Seattle District's Regulatory web site featuring those same drawings in color, which we think more accurately communicates the scope of project impacts. To access the colorized version of this public notice, go to the Seattle District's web page at http://www.nws.usace.army.mil/ and scroll down the alphabetical listing of District elements, and click on Regulatory" and then "Regulatory – Permits" for the Regulatory homepage. Select the prominently displayed Public Notices" heading and a list of recently-issued public notices will appear, in chronological order of the date of issuance. Find the listing for this Washington State Department of Transportation project, file number 200500927, and click on the underlined blue notation "Colored Drawings."

MITIGATION: The project would directly impact 1.57 acres and 0.08 acre of stream, and temporarily impact 0.57 acre of wetland. Functions provided by the impacted wetlands include flood flow alteration, water quality improvement, production of organic matter and its export, general habitat suitability, habitat for aquatic invertebrates, habitat for amphibians, habitat for wetland-associated mammals, and native plant richness. The principal impacted functions are:

- flood flow alteration
- water quality improvement
- production of organic matter and its export
- general habitat suitability
- amphibian habitat
- general fish habitat

The applicant proposes to compensate for the proposed project impacts to streams onsite. The proposed project would restore 0.21 acre of new streambed on Springbrook Creek through the removal of the existing five-celled box culvert, enhance 0.13 acre of the existing Springbrook Creek side channel, and enhance 0.06 acre of riparian habitat on the banks of Springbrook Creek.

The applicant proposes to compensate for 1.57 acres of wetland fill and 0.57 acre of temporary wetland impacts by utilizing wetland credits at the WSDOT/City of Renton sponsored Springbrook Creek Wetland and Habitat Mitigation Bank. The mitigation bank is currently under review (Corps reference number 200600100) and is not yet finalized.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The Bald eagle (Haliaeetus leucocephalus), Puget Sound/Coastal Bull Trout (Salvelinus confluentus), and Puget Sound Chinook

(Oncorhynchus tshawytscha), all listed as threatened in the state of Washington; occur in the proposed project area. Steelhead (O. mykiss), proposed for listing, also occurs in the proposed project area. For bull trout and Chinook salmon critical habitat has been designated.

The Federal Highways Administration (FHWA), as the lead agency for ESA consultation, will consult with the NMFS and the USFWS as required under Section 7 of the ESA. They have determined that the project will have no effect on bald eagles; may affect, not likely to adversely affect bull trout, bull trout critical habitat, and Chinook salmon critical habitat; may affect, likely to adversely affect Chinook salmon; and will not jeopardize the continued existence of steelhead.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action is located in an area that may contain EFH for Pacific salmon.

The FHWA, as the lead agency for a determination regarding EFH, will consult with the National Marine Fisheries Services if necessary. They have determined that the project will have no adverse effect on EFH.

CULTURAL RESOURCES: The FHWA, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, has consulted with the Washington State Department of Archaeology and Historic Preservation (DAHP). On January 6, 2006, DAHP determined that "no historic properties effected and no adverse affect on the Renton Coal Mine Hoist Foundation, the Renton Substation of the Snoqualmie Falls Power Company, the Renton Fire Station, or the Columbia and Puget Sound Railroad." This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

<u>PUBLIC HEARING:</u> Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

<u>EVALUATION</u>: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the

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National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The proposed discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. These guidelines require an alternatives analysis for any proposed discharge of fill material into waters of the United States.

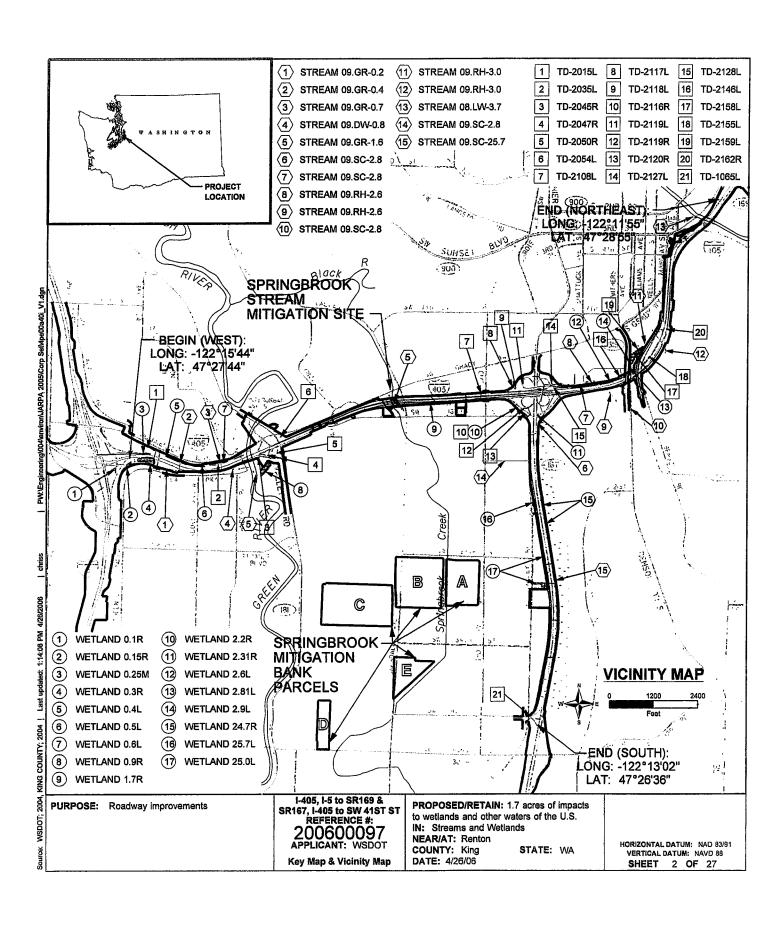
ADDITIONAL EVALUATION: The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

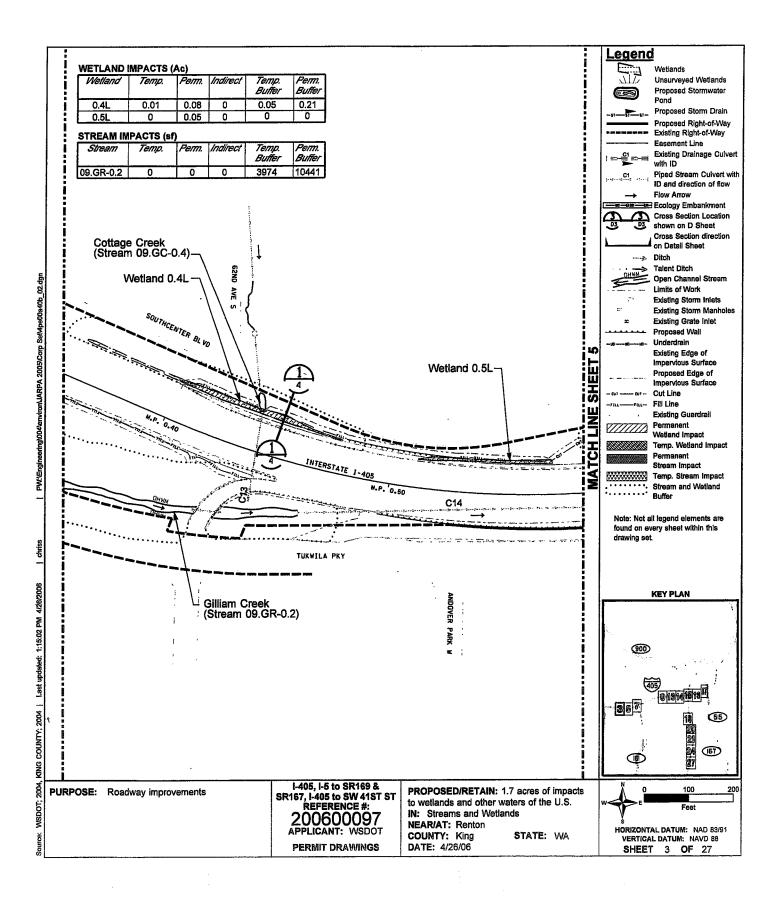
This proposal is the subject of Shorelines Substantial Development is currently under review for compliance by the City of Renton and City of Tukwila.

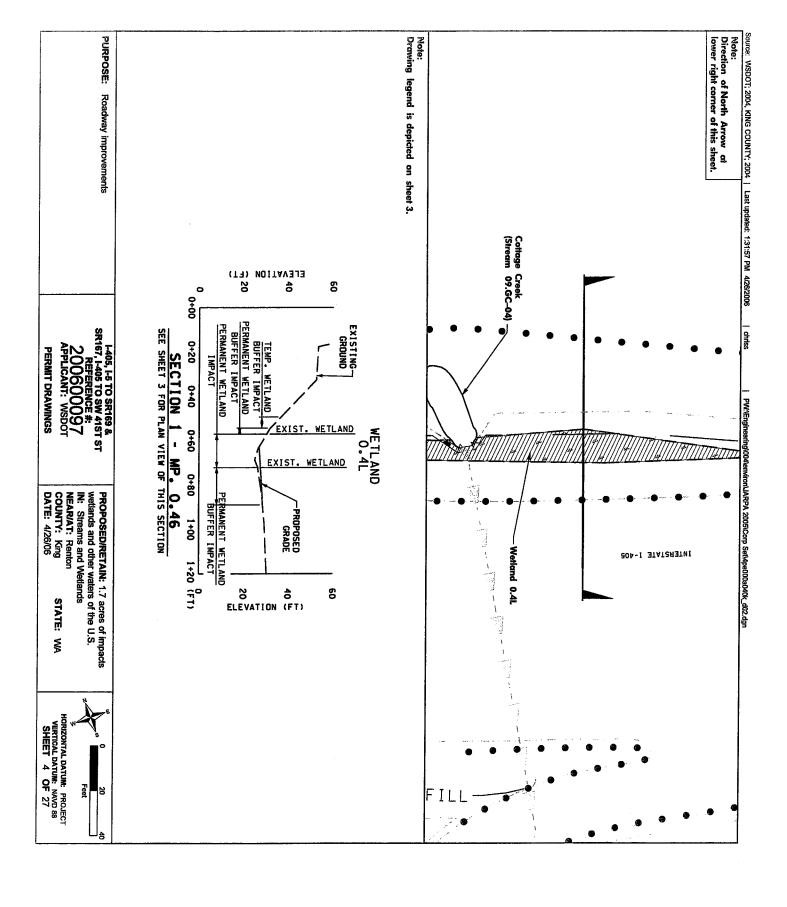
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to rebecca.e.mcandrew@nws02.usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Ms. Rebecca McAndrew Post Office Box 3755, Seattle, Washington, 98124-3755. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

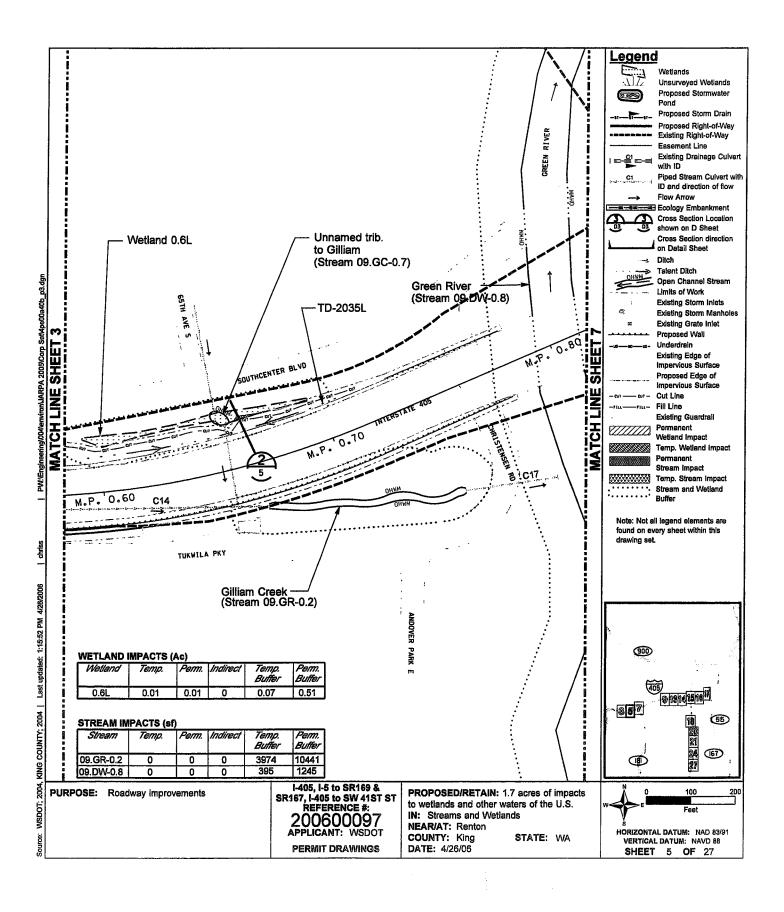
Washington State Dept. of Transportation, 200600097

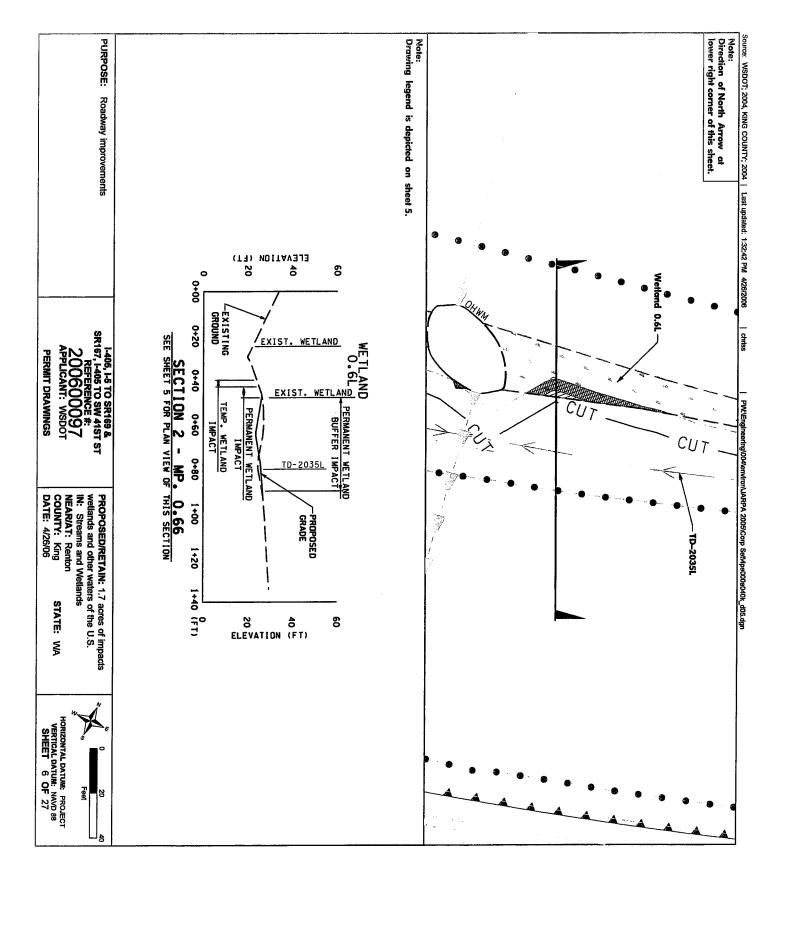
Encl Drawings (26)

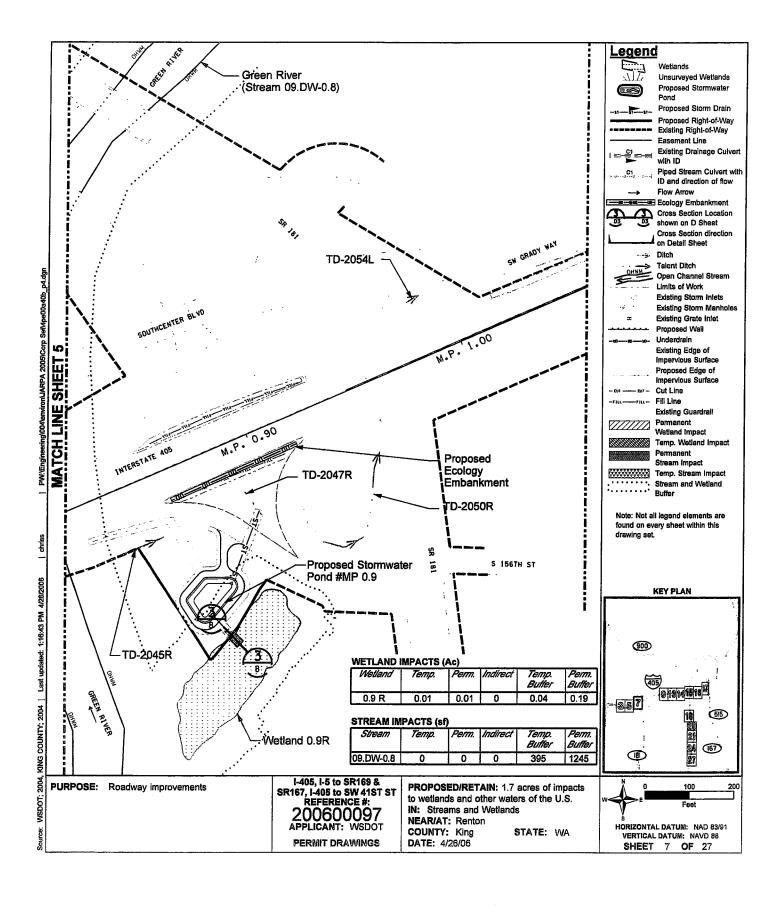


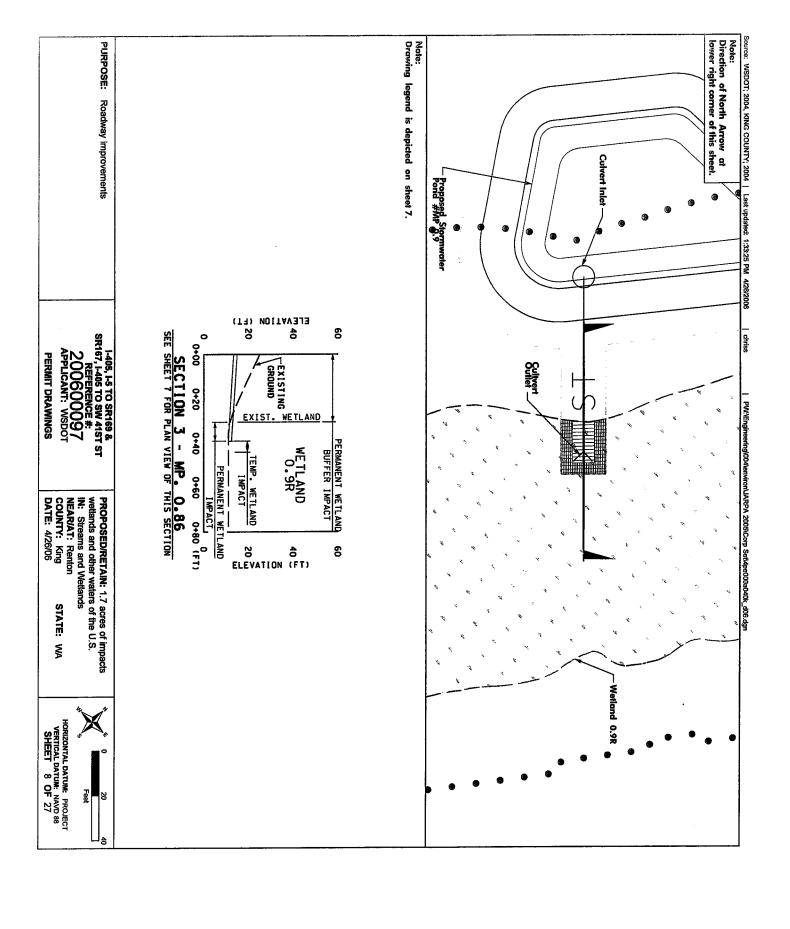


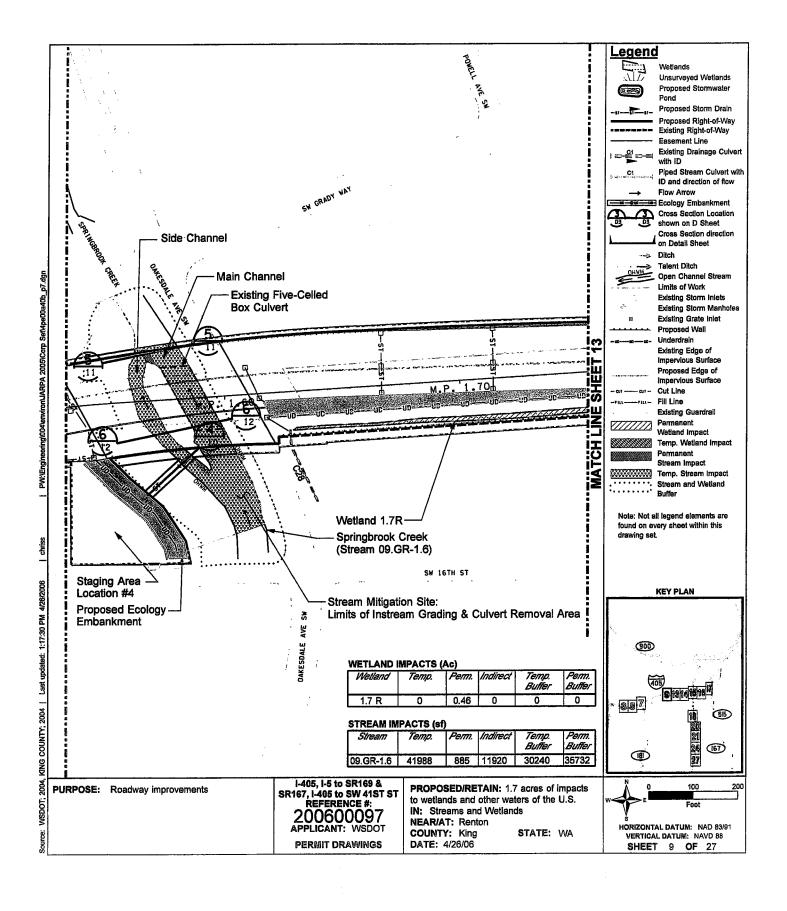


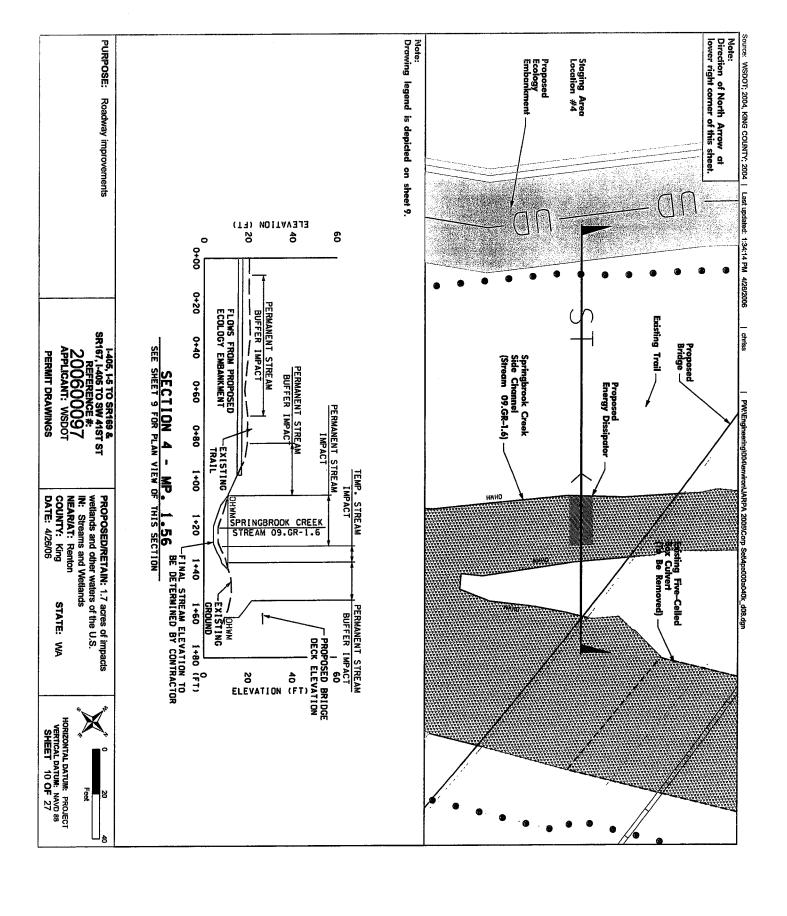


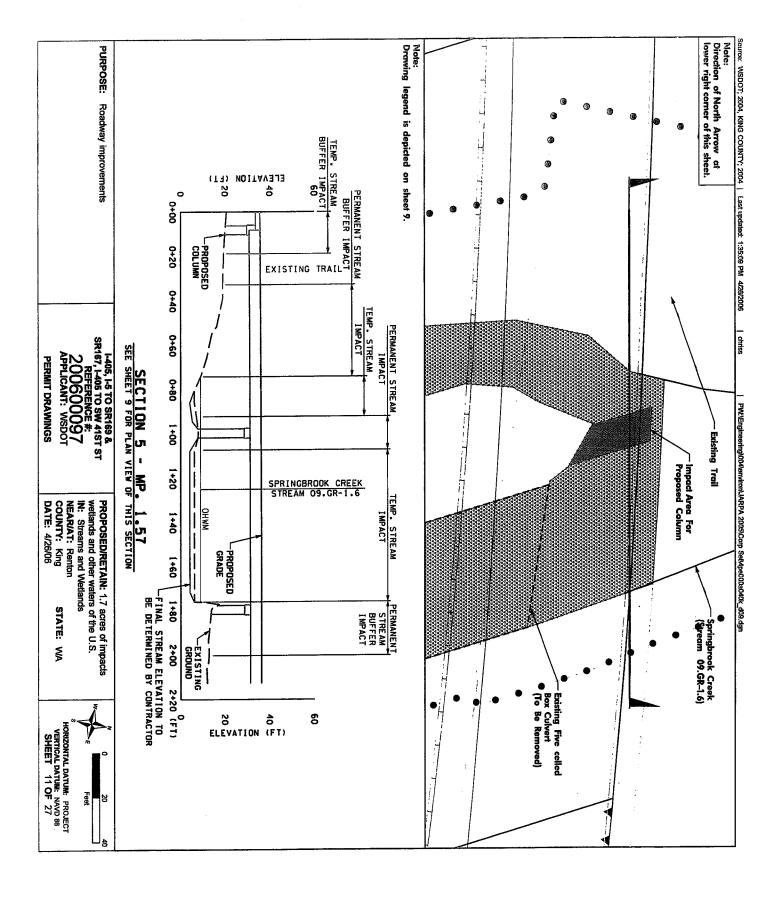


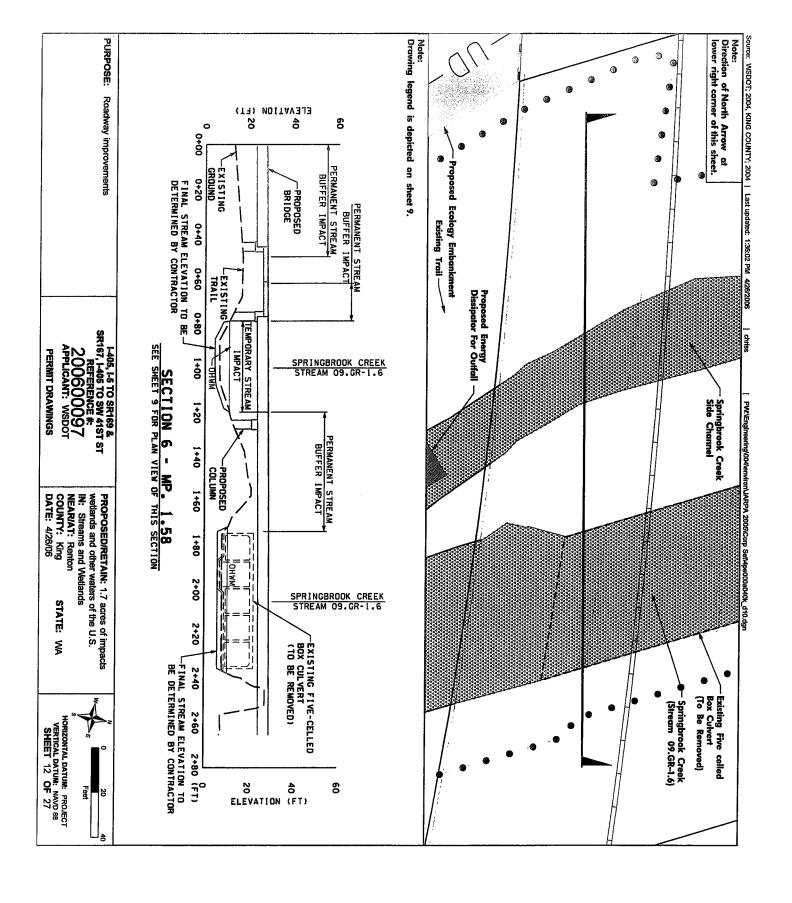


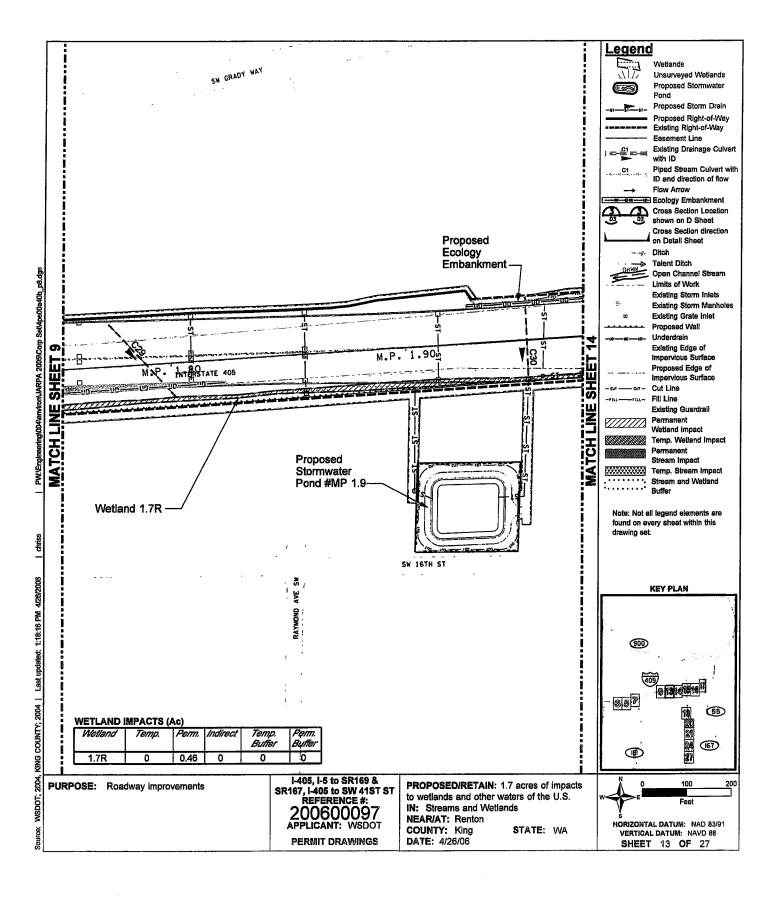


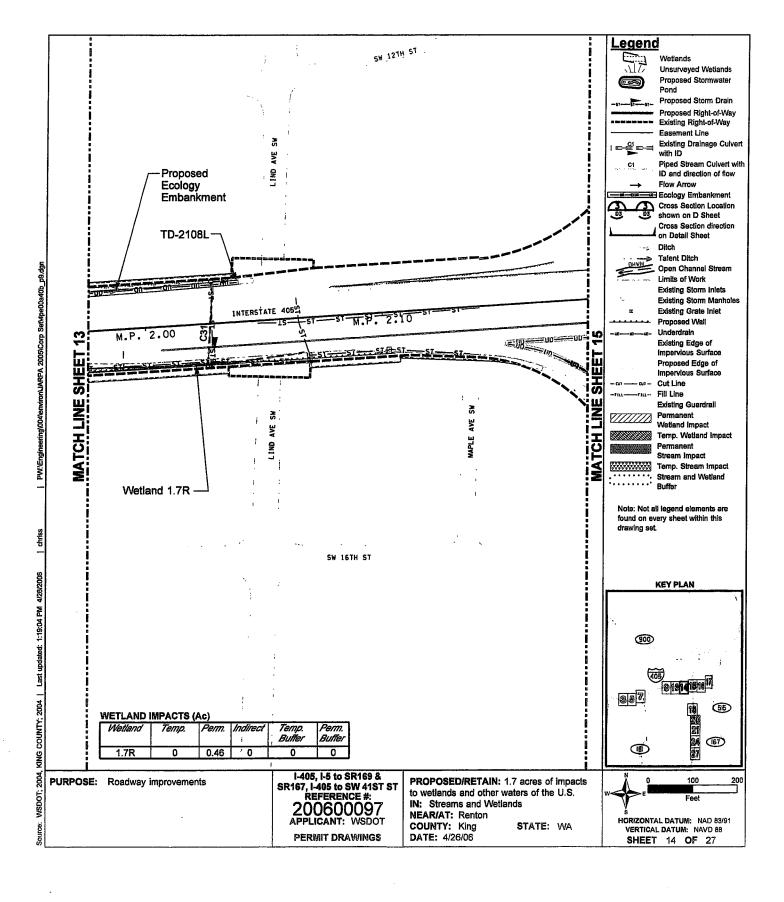


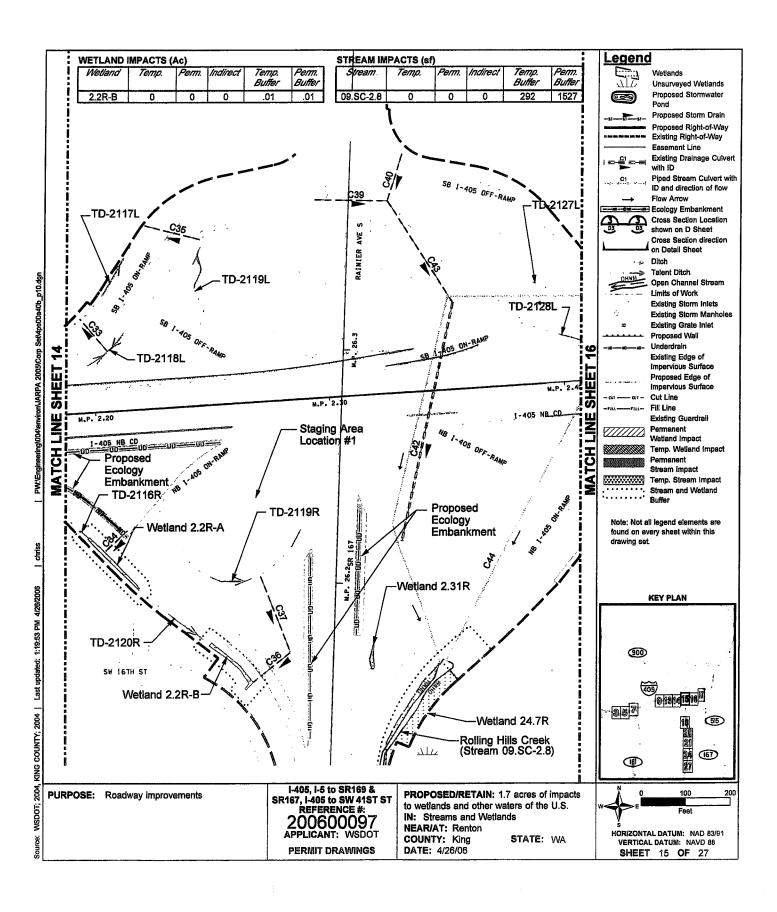


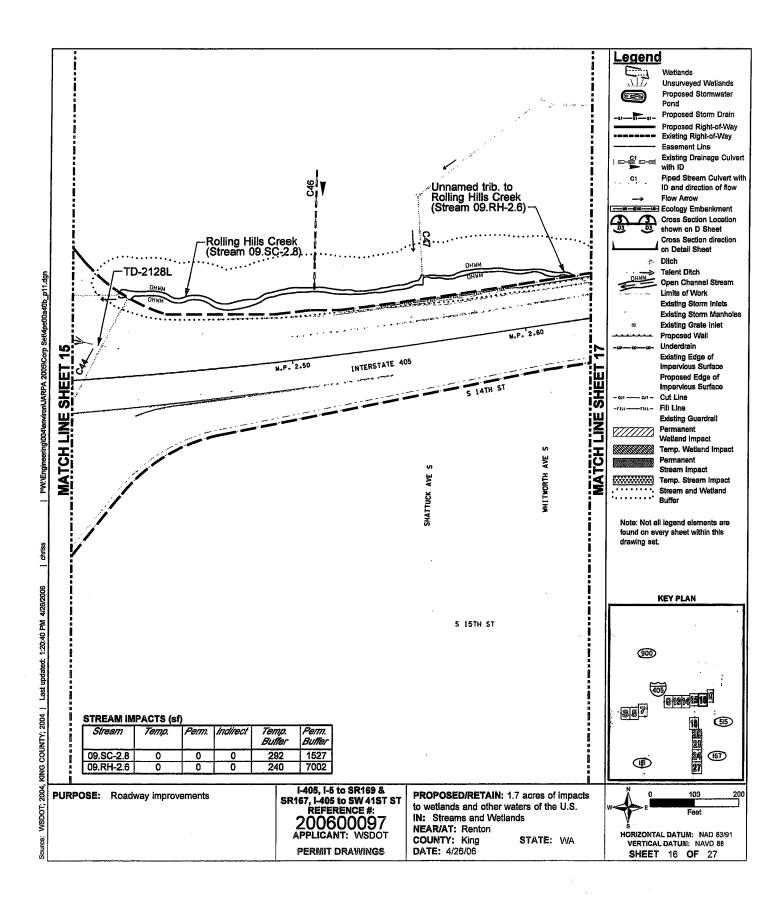


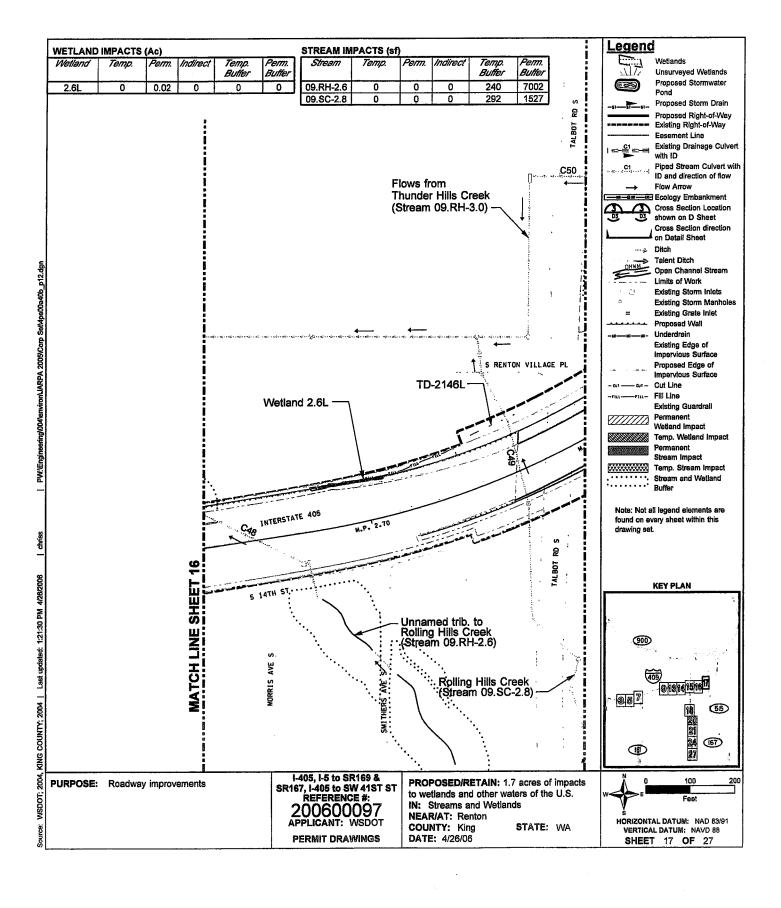


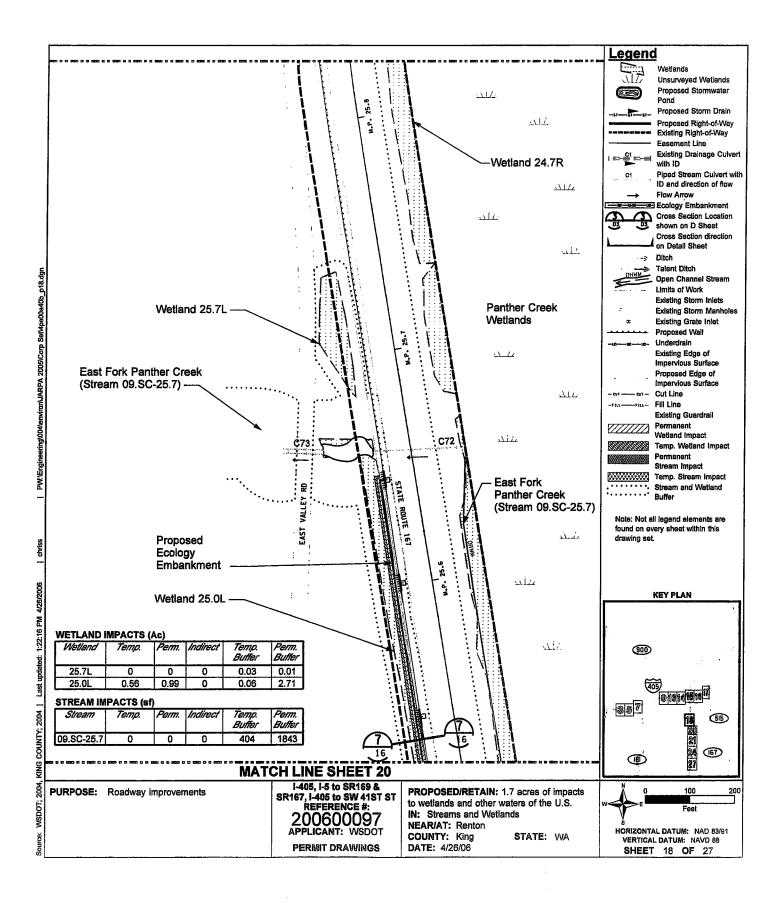


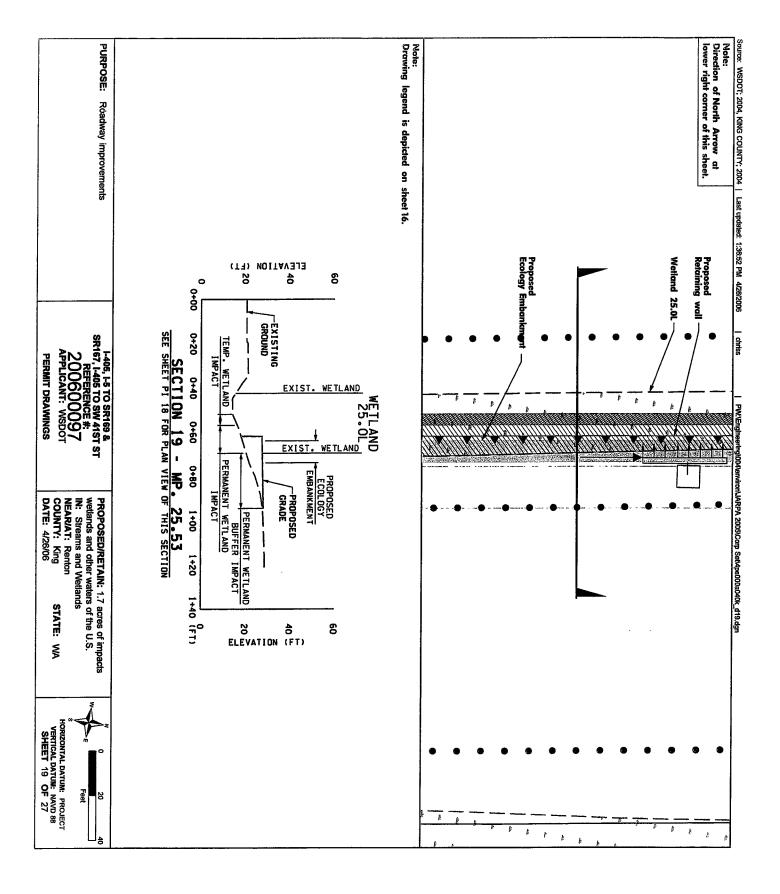


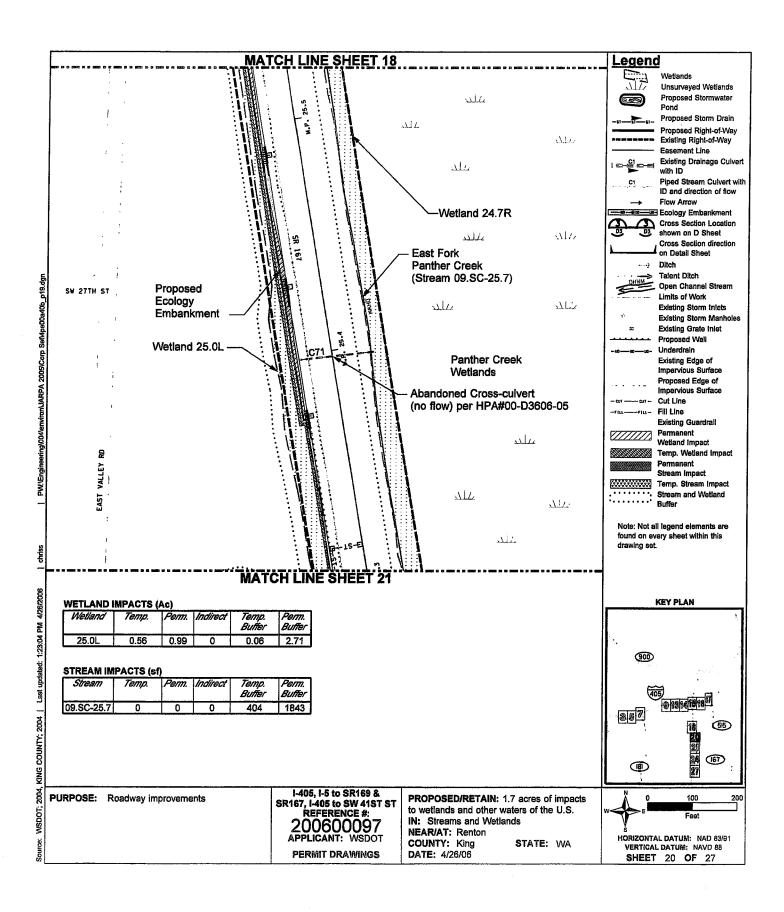


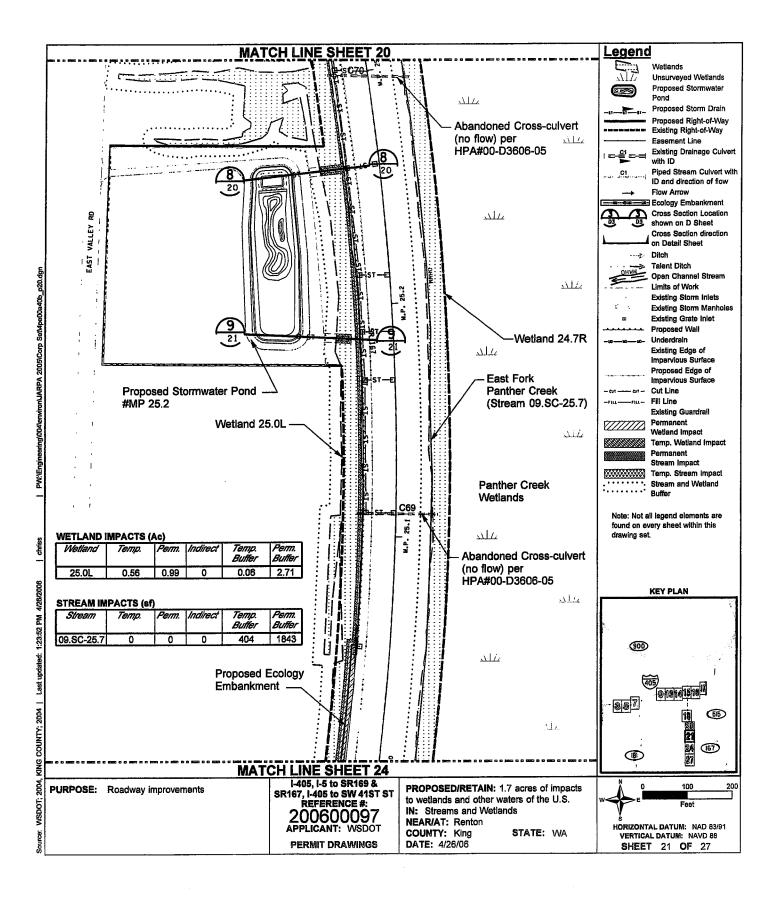


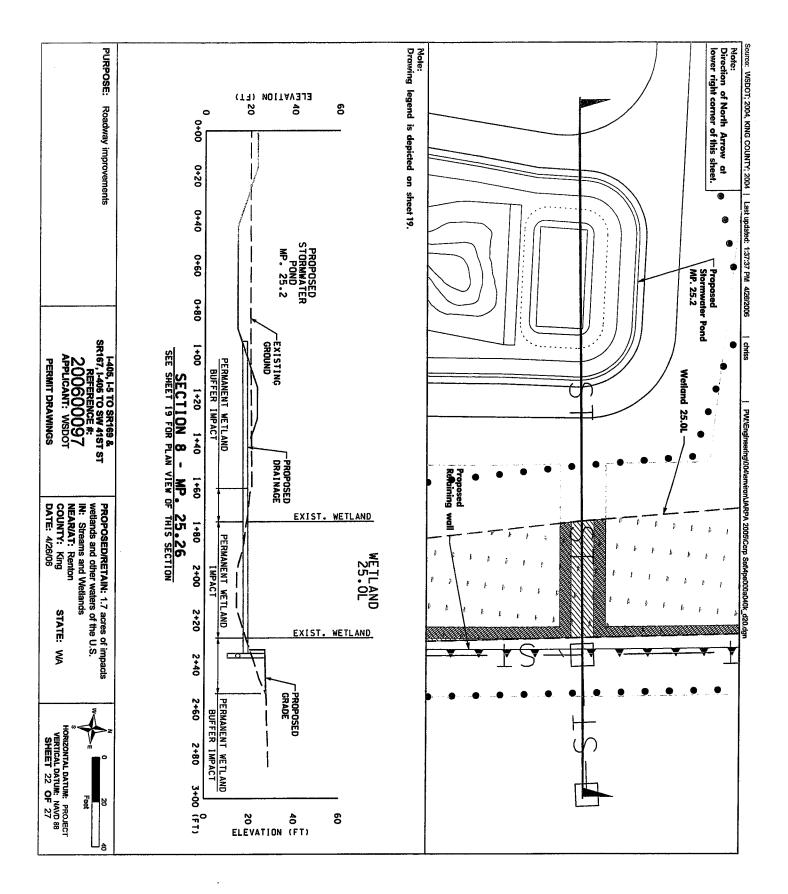


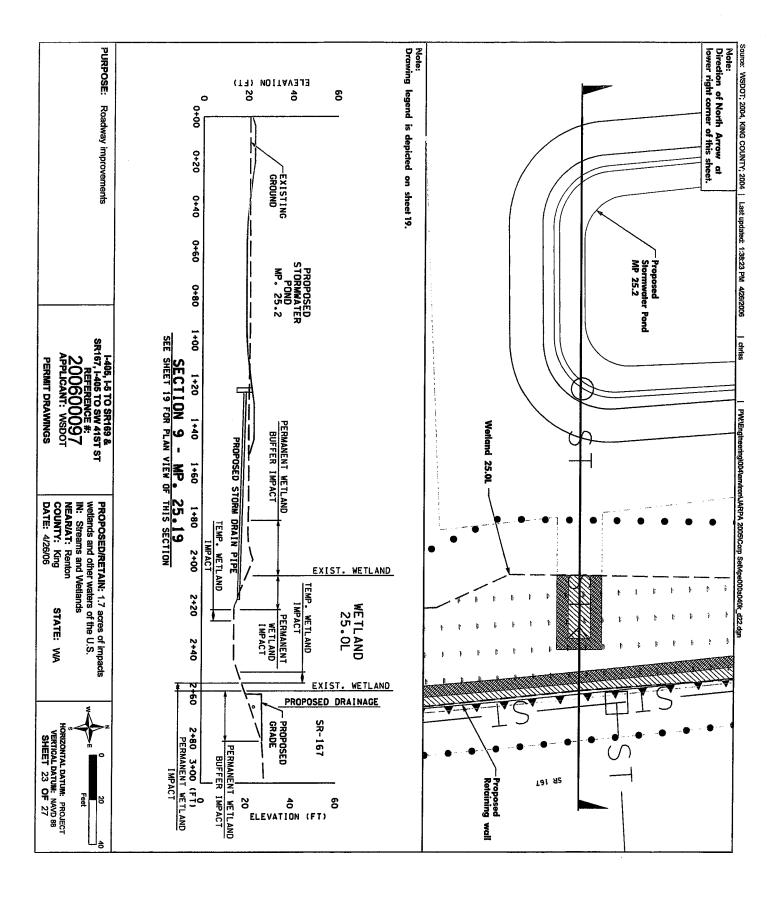


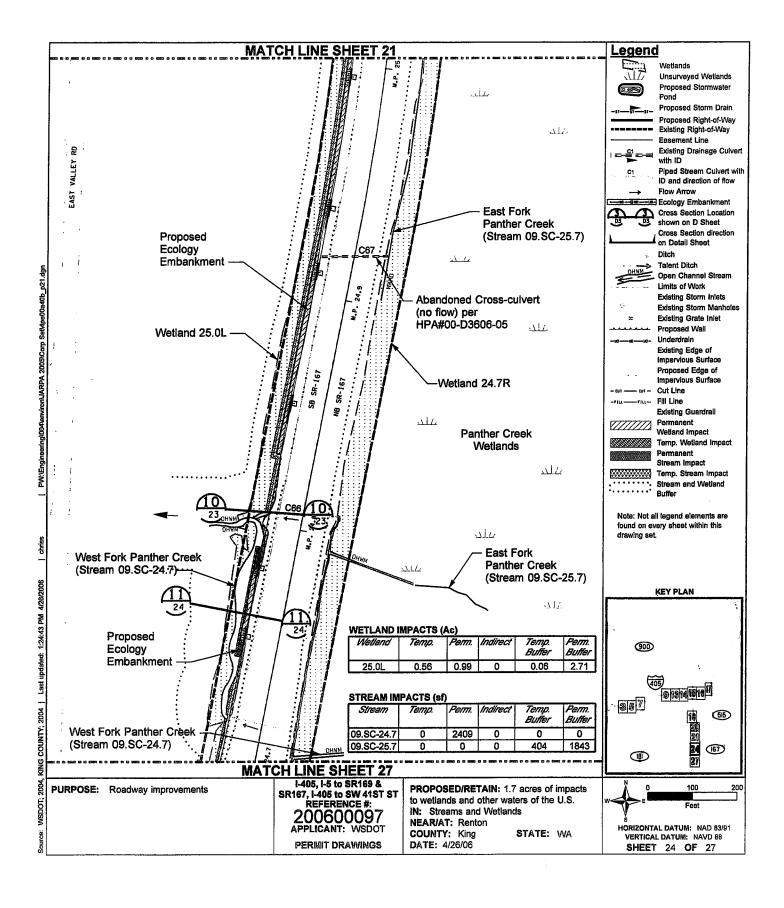


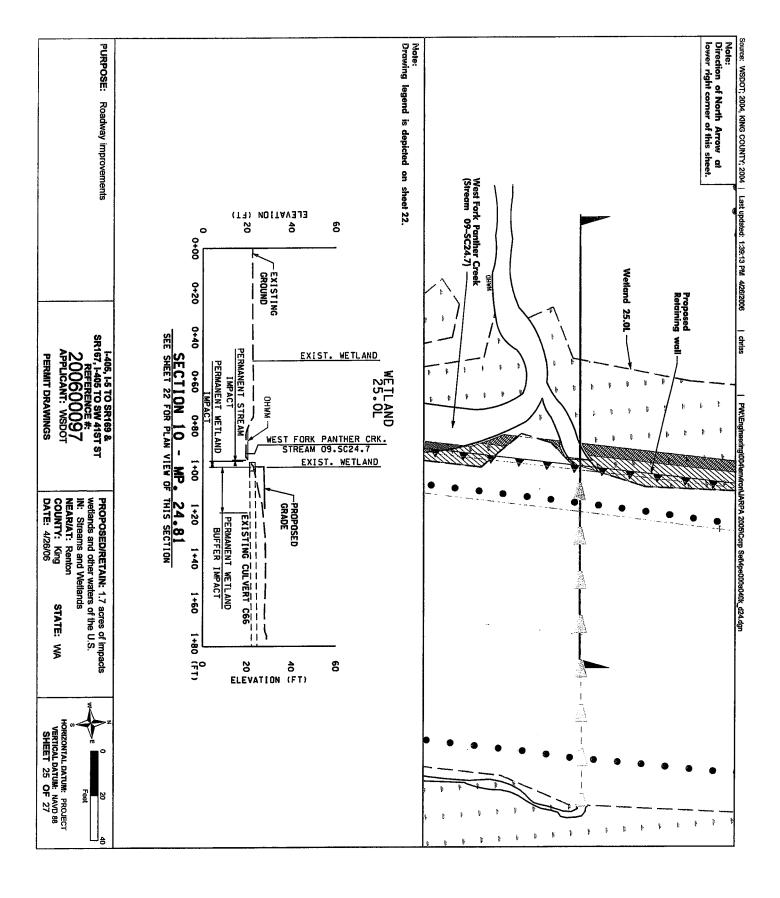


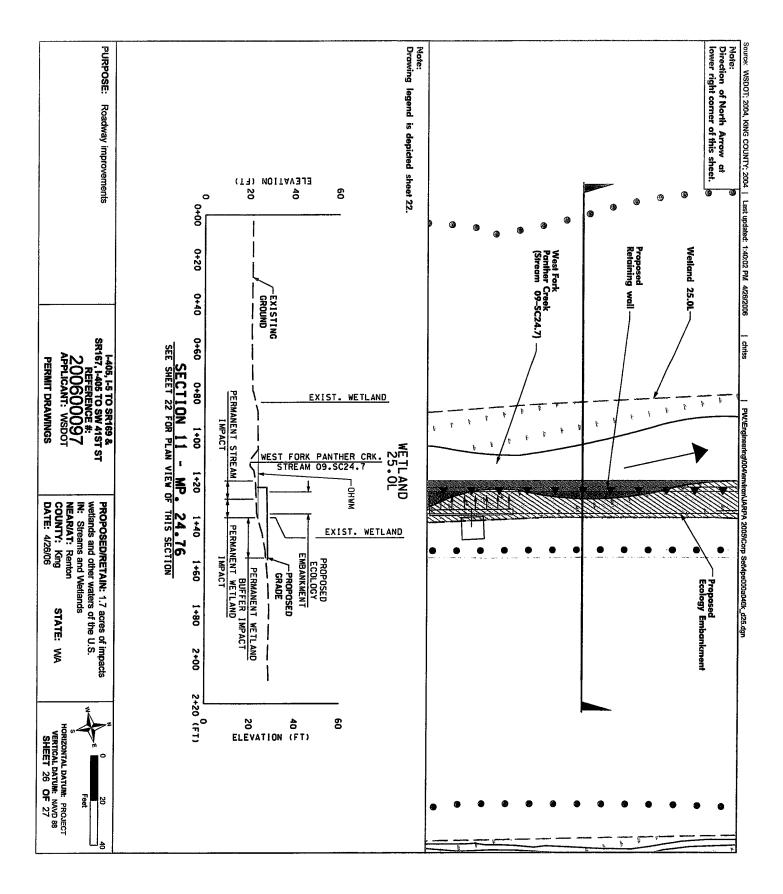


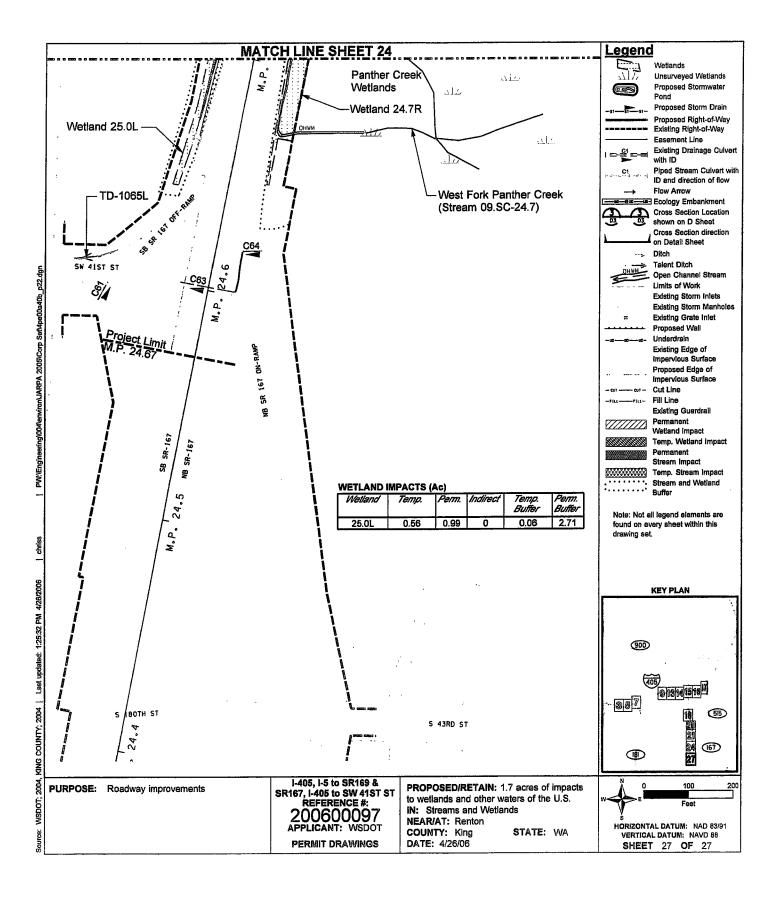














STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600 (360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: May 30, 2006

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200600097 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is herby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600